

Attachment 1

THE LEGAL ADVISER

DEPARTMENT OF STATE

WASHINGTON

July 24, 2006

Hon. Peter D. Keisler
Assistant Attorney General
Civil Division
United States Department of Justice
Washington, D.C. 20530

Re: *Li Weixum, et al. v. Bo Xilai*, No. 1:04CV00649 (DDC)

Dear Mr. Keisler:

By letter dated February 24, 2006, U.S. District Court Judge Richard J. Leon solicited the Department of State's views in connection with the above-referenced suit, which was brought under the Alien Tort Statute (ATS) and the Torture Victim Protection Act (TVPA). Specifically, Judge Leon asked for the Department of State position on: (1) what effect, if any, adjudication of this case will have on the foreign policy of the United States; (2) the applicability of the act of state doctrine; and (3) if the court finds that the case is justiciable, the application of the Foreign Sovereign Immunities Act (FSIA). Judge Leon asked that we respond either directly or by statement of interest pursuant to 28 U.S.C. §517. A copy of his letter is enclosed (Enclosure A). We here provide our views on the foreign policy consequences of this litigation and request that this letter be submitted to the court as an attachment to a Suggestion of Immunity and Statement of Interest addressing the legal issues.

Background

The plaintiffs allege that Chinese Minister of Commerce Bo Xilai planned and carried out serious human rights abuses against practitioners of the Falun Gong spiritual movement (FLG) in Liaoning Province. All plaintiffs appear to be Chinese nationals who reside in the People's Republic of China or in countries other than the United States. They assert that Minister Bo, acting "under color of law" in his former position as Governor of Liaoning, is responsible for these violations. All of the acts alleged in the complaint are said to have occurred within China, at the direction of the Chinese government, against Chinese nationals. We are unaware of any connection between the underlying suit and the United States.

As Minister of Commerce, Bo Xilai is now responsible for China's commerce and international trade, including international trade policy and negotiation. The attempt to serve process on Minister Bo was made at a time when he was Minister of Commerce (no longer Governor of Liaoning Province) and while he was on official diplomatic travel to the United States as an active member of the delegation of Chinese Vice Premier Wu Yi to the U.S.-China Joint Commission on Commerce and Trade (JCCT) – a bilateral, governmental consultative forum that addresses significant bilateral trade concerns and promotes commercial opportunities between the United States and China. We understand from the Government of China that the summons and complaint were physically thrust upon Minister Bo while he was attending a U.S. - China Business Council reception in honor of Vice Premier Wu Yi and her delegation (see Enclosure B).

Without reference to the specific allegations in this suit, the Department of State has informed China, both publicly and privately, of its strong opposition to violations of the basic human rights of FLG practitioners in China. We have repeatedly called on China to respect the rights of all its citizens, including FLG adherents. The Department of State's critical views of China's treatment of the FLG practitioners are a matter of public record. *See, e.g., Department of State Annual Human Rights Report for 2005, www.state.gov/g/drl/rls/hrrpt/2005/61065.htm (especially pages 22-23).*

Discussion

Although we oppose the Chinese government's anti-FLG policies, we believe that this suit should be dismissed. For U.S. courts to exercise jurisdiction over Minister Bo in the circumstances of this case would be inconsistent with international law and expectations relating to the immunities of states and their official representatives and would seriously interfere with the United States' ability to conduct foreign relations. Moreover, it will undercut the U.S. government's efforts to engage China on human rights issues, including its treatment of the FLG. It could also adversely affect U.S. engagement with China on a broad range of other issues, including counter-terrorism, law enforcement, economics and trade, trafficking in persons, adoption, narcotics suppression, and nuclear nonproliferation. Indeed, the instant lawsuit has already had a chilling effect on U.S.-China relations; I enclose a series of diplomatic notes and letters that China has sent the United States expressing its deep concern about it (Enclosures B – D).

1. The Department of State regards the April 2004 visit of Minister Bo to have been a special diplomatic mission and considers Minister Bo to have been an official diplomatic envoy while present in the United States on that special mission. Consistent with the rules of customary international law recognized and applied in the United States and in furtherance of the President's authority under Article II of the Constitution, it is appropriate to recognize the immunity of a high-level official on a special diplomatic mission from the jurisdiction of United States federal and state courts in a case such as this. In light of these considerations, the Department recognizes and allows the immunity of Minister Bo Xilai from the jurisdiction of the United States District Court, including from service of process, during the period of his visit to the United States.

The practical wisdom underlying this immunity is apparent. Diplomatic relations often turn on the ability of officials from different states to communicate and meet with each other without harassment or distraction. Indeed, the need for unhampered communication between governments is often most critical when the disagreements between them are the greatest. If suits of this kind can be commenced in U.S. courts against a senior foreign government official present in the United States for government-to-government business, the President will be deprived of an essential foreign policy tool and our ability to pursue our foreign policy objectives effectively will be significantly undermined. The United States must be able to host foreign officials without the prospect that they may be served with process in a civil suit.

Permitting suits like this would also be inconsistent with U.S. views on the assertion of jurisdiction over U.S. government officials by foreign governments and courts. The United States has made clear to foreign governments that it objects to service of process on senior U.S. officials traveling overseas; we have insisted, for example, that requests for documents and information about official acts of U.S. representatives for use in criminal investigations should be made government-to-government through diplomatic or law enforcement channels, not by attempting to serve or obtain jurisdiction over the officials themselves, particularly when they are on temporary visits. Permitting this suit against Minister Bo would be inconsistent with our representations to other governments, and could expose U.S. officials visiting other countries to suits arising from their performance of official U.S. government functions.

2. The attempted assertion of jurisdiction over Minister Bo while he was in the United States on official, bilateral business at the invitation of the United States has had immediate adverse foreign policy consequences and has directly interfered with the President's authority to conduct foreign relations, including his authority to receive "Ambassadors and other public ministers" (U.S. Const. Art. II, Section 3). The Executive originally invited Vice Premier Wu Yi to head a delegation to the United States for bilateral consultations in an effort to further U.S. - China trade relations. The attempt to serve Minister Bo while he was here on that delegation undercut that effort and elicited strong objections from China, which characterized the purported service as an assault and questioned the good faith of the United States in hosting the visit. Indeed, China's Legal Adviser has made clear to me that, because of this litigation, he has recommended that Minister Bo not travel to the United States unless his immunities from jurisdiction will be respected.

3. The foreign policy problems created by this case are exacerbated by the fact that it is, in effect, a suit against China about acts taken in China against Chinese nationals. Any lawsuit that challenges the policies and actions of foreign authorities in their own territory concerning their own citizens has an inherent potential to cause friction in foreign relations. A review of the complaint in this case makes clear its ambition to challenge not only acts attributed to Minister Bo, but also the Chinese Government's anti-FLG policy in general. (See, for example, Compl. ¶ 1, alleging that Minister Bo's actions were taken "in concert with other officials at the highest levels of the national government of the People's Republic of China (PRC) and its ruling Central

Committee of the Chinese Communist Party.”) The fact that the lawsuit is effectively directed against the Chinese Government and its official policies is confirmed when it is seen in the context of the large number of suits the FLG have initiated against high-level Chinese officials in the United States and other countries. The FLG website (flgjustice.org) lists over sixty actions against Chinese entities and officials. Lawsuits have been filed in South America, Africa, Asia and Europe (in over ten different European countries), in addition to Canada, where multiple suits have been filed, and the United States, where the website reports fifteen suits.

In view of the Department of State’s recognition of Minister Bo’s immunity from the Court’s jurisdiction and the significant adverse foreign policy implications of the further conduct of this suit, the Department of State asks that you submit to the Court an appropriate Suggestion of Immunity and Statement of Interest to obtain the prompt dismissal of the proceedings against Minister Bo.

Sincerely,



John B. Bellinger, III

Enclosures:

- A. Letter from Hon. Richard J. Leon, U.S. District Court for the District of Columbia, to Hon. John B. Bellinger, III, dated February 28, 2006.
- B. Diplomatic Note from the Embassy of the People’s Republic of China to the U.S. Department of State, dated April 26, 2004.
- C. Letter from Liu Zhenmin, Director General of the Department of Treaty and Law to Hon. William Taft, dated August 23, 2004.
- D. Letter from Li Zhaoxing, Minister of Foreign Affairs, to Hon. Condoleezza Rice, dated March 30, 2006.

Enclosure A

United States District Court for the District of Columbia
Washington, DC 20001

Chambers of
Richard J. Leon
United States District Judge

February 24, 2006

Honorable John B. Bellinger III
Legal Adviser, Office of the Legal Adviser
United States Department of State
2201 C Street, N.W.
Washington, DC 20520

Re: *Li Weixum, et al. v. Bo Xilai*, Civil Action No. 04-0649 (RJL) (District of Columbia)

Dear Mr. Bellinger:

On April 22, 2004, Li Weixum and 3 other individual plaintiffs, each of whom is a Falun Gong practitioner, brought suit against Bo Xilai, current Minister of Commerce of the People's Republic of China ("PRC"), under the Alien Tort Claims Act ("ATCA") and the Torture Victims Protection Act ("TVPA"). A copy of the complaint is enclosed. The plaintiffs each have resided in or are currently residing in the Liao Ning Province of the People's Republic of China ("PRC") and claim that they have been subjected to various forms of persecution and abuse because of their support for Falun Gong practitioners. According to the plaintiffs, the alleged beatings and torture took place while the plaintiffs were being held in detention centers located in Liao Ning Province. The defendant, Bo Xilai, previously served as governor of the Liao Ning Province, and plaintiffs claim that Xilai supervised the detention centers and prison camps located in the province where the plaintiffs were allegedly abused and "planned and carried out a sustained and deliberate set of policies and actions that resulted in the arbitrary and unlawful arrest, detention, persecution, and in some cases execution, of the [p]laintiffs." Xilai is currently the PRC's Minister of Commerce.

Plaintiffs have brought the following causes of action under ACTA and TVPA: (1) Torture; (2) Genocide; (3) Deprivation of the Right to Live; (4) Right to Liberty and

Honorable John B. Bellinger III
February 24, 2006
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Security of Person and to be Free of Arbitrary Arrest and Imprisonment, (5) Freedom of Thought, Conscience and Religion, and the Freedom to Hold Opinions Without Interference and to Associate Freely; and (6) Violations of the above-cited rights and protections as embodied in customary international law. While Xilai was served on April 22, 2004, in front of the Fairmont Hotel, 2401 M Street, N.W., Washington, DC, he has not responded in any capacity to the complaint in this action. Having failed to respond to the complaint, the Court entered a default on July 28, 2004. Plaintiffs moved for Default Judgment and Declaratory Judgment on February 4, 2005. This Court denied the motions on September 27, 2005 by minute order. The motion for Default Judgment and Declaratory Judgment is enclosed.

Having reviewed the complaint, plaintiff's motion and the relevant law, the Court has determined that it would be appropriate to solicit the Department of State's opinion on a number of issues relevant to the resolution of the action. In particular, the Court would appreciate the Department of State's views on the following issues:

1. What effect, if any, will adjudication of this suit have in the foreign policy of the United States, specifically with the PRC?
2. What is the Department of State's position on the applicability of the Act of State Doctrine in this action?
3. If the Court finds that the case is justiciable, what is the Department of State's position on the application of the Foreign Sovereign Immunities Act ("FSIA") in this action?

If the Department of State believes a response to some or all of the above questions from the People's Republic of China is appropriate, it may invite the appropriate representative thereof to submit its written views to the Court as well.

The Court would greatly appreciate the Department of State's consideration of this matter and a communication from the Department of State outlaying the Department of State's views and/or positions regarding these issues. The Court leaves to your discretion whether your response is best submitted in the form of a letter or a Statement of Interest filed pursuant to 28 U.S.C. § 517. A copy of any such response should be sent to plaintiff's counsel as well. This letter in no way invites the Department of State to litigate this case on behalf of Xilai. The Court would appreciate a response by April 23, 2006.

Honorable John B. Bellinger III
February 24, 2006
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Thank you for your consideration of this matter and your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard J. Leon". The signature is stylized with a large, looped "R" and a cursive "Leon".

Richard J. Leon
United States District Judge

Enclosures

cc: Morton Sklar, Esq., w/o enc.

Enclosure B

Enclosure B

Enclosure B

Enclosure B

中华人民共和国大使馆

THE EMBASSY OF THE PEOPLE'S REPUBLIC OF CHINA

2300 Connecticut Avenue, N.W.

Washington, D.C. 20008

CE 057/04

The Embassy of the People's Republic of China presents its compliments to the Department of State of the United States of America and has the honor to make a statement on the following matter.

At about 6:30 on the evening of April 22, when Chinese Minister of Commerce Bo Xilai and other members of the entourage of Vice Premier Wu Yi were walking into the lobby of the Fairmont Hotel in Washington, D.C. on their way to the dinner hosted by the U.S.-China Business Council, the National Committee on U.S.-China Relations and the American Chamber of Commerce in honor of the Vice Premier who came to the United States for the 15th Session of the China-U.S. Joint Commission on Commerce and Trade (JCCT), an unidentified man suddenly rushed toward Minister Bo and other members of the Chinese entourage, and attempted to throw an object at them. Minister Bo and other members of the Chinese entourage swiftly dodged this physical attack. This man's act constituted a criminal assault, a grave threat to the personal safety of Minister Bo and other members of the Chinese entourage. Thereafter, the man attempted to escape from the site, but was intercepted by U.S. police officer, Sergeant Regina A. Randolph. After taking his deposition, the man was allowed to leave.

It was following the consensus reached by Premier Wen Jiabao and President George W. Bush and at the express invitation of the U.S. Government that Minister Bo and other members of the Chinese delegation came to the United States with Vice Premier Wu Yi to attend the 15th Session of the JCCT. The U.S. Government had the full responsibility to ensure security and safety of Minister Bo and other delegation members during their stay in the United States. The Chinese side had repeatedly requested the U.S. side to take necessary measures, including providing security details and safe and unobstructed passage for Minister Bo. However, the U.S. side had asserted that Minister Bo had no security risks in the United States and refused to do so, which has resulted in this criminal assault and the extremely unpleasant situation. The Chinese Government hereby expresses its strong dissatisfaction with the U.S. Government, and has made solemn representations with it.

This year's JCCT meeting is the first session since the level of officials attending it having been raised, and it is of important significance for promoting China-U.S. economic relations and trade as well as overall bilateral relations. The fact that the Chinese delegation was headed by Vice Premier Wu Yi and was composed of officials from over 10 departments of the Chinese Government, including 12 senior officials at ministerial and vice-ministerial levels, fully demonstrates the high importance the Chinese Government has attached to this JCCT session. It should be stressed that Minister Bo, as the head of the Ministry of Commerce which is the Chinese organizer of the JCCT session, has played an important and active role in making the meeting a success. Regrettably however, due to the reasons of the U.S. side, the assault incident which should not have happened took place anyway. This has not only done harm to the personal safety and dignity of Minister Bo, but has also cast a shadow over the exchanges and cooperation between China and the United States and between the relevant governmental organizations of the two countries. The Chinese Government strongly urges the U.S. Government to recognize the gravity of this assault incident, charge the police with the responsibility to investigate this matter, punish the attacker in accordance with the law, and ensure that similar events will not reoccur in the future.

The Embassy of the People's Republic of China avails itself of this opportunity to renew to the Department of State of the United States of America the assurances of its highest consideration.

Washington, D.C. April 26, 2004



Department of State
United States of America
Washington, D.C.

Cc: The National Security Council
The Department of Justice
The Department of Commerce
The Office of the United States Trade Representative



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Enclosure C

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(Translation)

Mr. William Taft

Legal Advisor to US State Department

Washington D.C. 20520-6310

Beijing, 23 August 2004

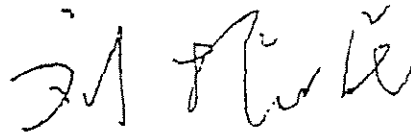
Dear Mr. Taft,

I am writing to you on the attempted "lawsuit" by the "Falun Gong" against Chinese Commerce Minister Bo Xilai at the US District Court for the District of Columbia. As Director General of the Department of Treaty and Law of China's Ministry of Foreign Affairs, I would like to inform you, officially, that the Chinese Government has decided to present its position to the US side on this matter, presenting the truth of the April 22nd incident and explaining its position on the issue of sovereign immunity. I would be much appreciative if you could help convey the position attached herewith to the above-mentioned court in

good time.

With best wishes.

Your Sincerely,

A handwritten signature in black ink, appearing to be 'Liu Zhenmin' in Chinese characters.

Liu Zhenmin

Director General, Department of Treaty and Law

Ministry of Foreign Affairs

(Translation)

Position of the Chinese Government on the Assault and Attempted Frame-up by "Falun Gong" Against Minister Bo Xilai

The Government of China wishes to state its position on the assault and attempted frame-up by "Falun Gong" against Chinese Commerce Minister Bo Xilai:

I. The April 22nd incident was an assault perpetrated by "Falun Gong" element, and Minister Bo Xilai was not "served" any US court summons

In April 2004, acting on the agreement reached by Chinese Premier Wen Jiabao and US President George W. Bush and at the invitation of the US Government, Chinese Commerce Minister Bo Xilai accompanied Vice Premier Wu Yi to attend the 15th Session of the China-US Joint Commission on Commerce and Trade (JCCT). At about 6:30pm on April 22nd, Minister Bo Xilai and his Chinese entourage walked into the lobby of the Fairmont Hotel in Washington D.C. on their way to the dinner held by the US-China Business Council, the National Committee on US-China Relations and the American

Chamber of Commerce. An unidentified adult male, with an object in his hand, made a sudden and violent charge toward Minister Bo and his Chinese entourage, posing a serious threat to the Minister's personal safety. The man's act could only be described as a criminal assault. As he tried to flee the scene, a US police officer by the name of Regina A. Randolph stopped and apprehended him. Neither Minister Bo nor any one of the Chinese entourage touched the object the assaultant once held in his hand or knew anything about it and how it was later disposed of.

Owing to the failure of the US Government to live up to the responsibility for security and safety of Minister Bo during his stay in the US, which resulted in the above-mentioned assault, the Chinese Government has made solemn representations to it accordingly.

II. US courts have no jurisdiction over the so-called "lawsuit" by "Falun Gong"

1. The principle of sovereign immunity is derived from one of sovereign equality, which forms the cornerstone of modern international law and is enshrined in clear-cut terms in many important international legal documents including the UN Charter. Based on the

principle of *par in parem non habet jurisdictionem* (between equals there is no jurisdiction), the court of one State shall not accept a lawsuit in which a foreign State is the defendant without the explicit consent of its government to give up jurisdictional immunity. Only when a foreign State institutes a proceeding before a court of another State, or only when there is a counter-claim arising out of the same legal relationship or facts as the principal claim, the foreign State cannot invoke jurisdictional immunity. Even if a foreign State has lost the case in the court of another State, it is not subject to measures of constraint. Such are the basic contents of the principle of sovereign immunity.

2. The principle of sovereign immunity was universally accepted by countries in their judicial practices as early as in the 19th century. The US was among the first countries to follow such principle. The Case of Schooner Exchange heard by the US Supreme Court in 1820 and many other cases before US courts thereafter all upheld this principle. In international relations of the modern times, the principle of sovereign immunity, as a universally recognized norm of international law, is widely supported by legislative and judicial practices of countries as well as by international legislation.

3. It is China's act of state when the Chinese Government, acting in compliance with the Constitution and laws of the land, outlawed the "Falun Gong" cult, and when its government officials perform their duty in accordance with the power entrusted to them by China's Constitution and laws. Under the principle of sovereign immunity, China's act of state is entitled to jurisdictional immunity in the US courts. And the US courts, therefore, have no jurisdiction to hear the so-called "lawsuit" by "Falun Gong" against Minister Bo Xilai.

III. The negative impact of "Falun Gong" "lawsuit" on China-US relations

Since the establishment of their diplomatic relations in 1979, China and the US have enjoyed increasingly broad and close exchanges and cooperation in the political, economic, trade, science and technology, culture, narcotics control, counter-terrorism and other fields, which greatly promoted the well-being of the two peoples and effectively contributed to peace and stability in the Asia-Pacific region and the world at large.

China and the US are both major countries of global influences. They have had extensive and important common interests though not

without some differences. China-US relationship has always been a two-way and mutually beneficial one. Such relationship can move ahead along a sound and steady course only when the two countries observe such basic norms governing international relations as mutual respect for sovereignty and territorial integrity, mutual non-interference in the internal affairs, equality and mutual benefit. As an important official of the Chinese Government, Minister Bo Xilai has made a huge contribution to the development of China-US relations. The frame-up "lawsuit" by the "Falun Gong" cult against Minister Bo Xilai, who was attending a JCCT session as a guest of the US Government, was aimed not only at attacking the Chinese Government but also obstructing the normal contact and the friendly cooperation between China and the US. The political motive behind the "Falun Gong" scheme cannot be more sinister.

Should the US court adjudicate this trumped-up "lawsuit", it would send out a deadly wrong signal to the "Falun Gong" cult, cause immeasurable disruption to the normal bilateral exchanges and cooperation in the various fields, and severely undermine the common interests of the two countries. Therefore, the Chinese Government calls for the immediate dismissal of the "Falun Gong" "lawsuit" against Minister Bo Xilai.

Enclosure D

(Translation)

Beijing, 30 March 2006

The Honorable Condoleezza Rice
Secretary of State
The US Department of State
Washington, DC
USA

Dear Dr. Rice,

I am writing to you concerning the unwarranted lawsuit filed by Falun Gong against Chinese Commerce Minister Bo Xilai at the District Court for the District of Columbia, and I wish to draw your attention to the following:

1. On 22 April 2004, Minister Bo Xilai, who was visiting the United States as guest of the US Government, was assaulted by an individual sent by Falun Gong, which put the Minister's personal safety in great jeopardy. Neither Minister Bo himself nor his aids touched the object the Falun Gong personnel held. They have not received any document from the US court.

2. Both the banning of the Falun Gong cult by the Chinese Government in accordance with China's Constitution and other laws and the discharging of their duties by Chinese government officials in accordance with law are acts of China exercising its sovereign rights. According to international law and universally recognized basic norms governing international relations, these acts are not subject to the jurisdiction of US courts. The same conclusion can be drawn from the *Foreign Sovereign Immunities Act* of 1976 of the United States.

3. Falun Gong is a cult and an anti-China political organization. In filing this frame-up case, Falun Gong attempts to disrupt the growth of China-US relations and normal personnel exchange between the two countries. China and the United States are working to develop a constructive and cooperative relationship in all fields. If Falun Gong should succeed in its frame-up lawsuit, China-US relations, especially our economic and trade ties as well as cooperation between the relevant government departments and personnel exchange, will be adversely

affected. The interest of the United States will also be undermined. This is something neither of us wants to see.

I have learnt that the US District Judge has recently sent a letter on this case to Mr. John Bellinger, Legal Advisor of the US State Department, and expressed the hope that the State Department would give its opinion on the case before 23 April. Legal opinions produced by the US Government have shown to be helpful in resolving such cases. In the interest of proper settlement of this issue that adversely affects our bilateral ties, I hope that you will give your personal attention to this matter and instruct the relevant office of the State Department to promptly provide legal opinion to the court. The legal opinion may include the following: The unwarranted lawsuit filed by Falun Gong undermines China-US relations and interests of the US side. The banning of Falun Gong by the Chinese Government according to law is an "act of state". Minister Bo Xilai enjoys immunity from the jurisdiction of US courts. The US State Department urges the court concerned to immediately stop adjudicating the case and dismiss it. The Chinese side requests that in providing the document of the State Department, the US side should include the diplomatic note of the Chinese side on the case and the *Position of the Government on the Assault and Attempted Frame-up by Falun Gong Against Minister Bo Xilai*.

With best regards,

(Signed) Li Zhaoxing

Minister of Foreign Affairs
People's Republic of China

康多莉扎·赖斯女士

国务卿

美国国务院

哥伦比亚特区 华盛顿

亲爱的赖斯博士：

我谨就“法轮功”在美国哥伦比亚特区联邦地区法院诬告中国商务部薄熙来部长案事向你致函，并愿说明：

一、二〇〇四年四月二十二日，“法轮功”派人袭击作为美国政府客人访美的薄熙来部长，这是一起严重威胁薄部长人身安全的恶性事件。薄部长本人及其随行人员从未接触“法轮功”人员所持物品，也未接到任何美国法院的文书。

二、中国政府根据中国宪法和法律取缔“法轮功”邪教，中国政府公职人员依法履行其职责，是中国行使国家主权的行为。根据国际法和公认的国际关系基本准则，上述行为不受美国法院的司法管辖。即使仅考虑美国一九七六年《外国主权豁免法》的规定，也应当得出同样的结论。

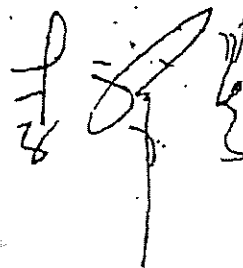
三、“法轮功”是邪教，也是反华政治组织。“法轮功”策划诬告案，目的是干扰中美关系发展和两国正常人员往

来。当前，中美两国致力于全面发展建设性合作关系，如果“法轮功”诬告图谋得逞，将对中美关系，特别是两国经贸关系，包括双方有关机构的合作和人员交流造成严重负面影响，也将损害美方的利益。这是我们双方都不愿看到的。

我注意到，近期美主办法官已就此案致函美国国务院法律顾问贝林格，希望美国国务院在四月二十三日前对“法轮功”诬告薄熙来部长案提出意见。从以往实践看，美政府就有关案件出具法律意见书，有利于推动案件解决。为妥善解决这一干扰双边关系的问题，希望你关注此事，责成美国国务院有关部门尽快向美法院提交法律意见书。意见书内容包括：“法轮功”诬告案影响中美关系，损害美方切实利益；中国政府依法取缔“法轮功”属于“国家行为”；薄熙来部长享有不受美国法院司法管辖的豁免权；美国国务院敦促有关法院立即停止审理并撤销此案。中方要求美方在提交国务院文件时，一并提交中方关于此案的外交照会和政府立场。

顺致敬意。

中华人民共和国外交部长



二〇〇六年三月三十日于北京